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# Natural Law and the 'Declaration on Euthanasia'

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## Introduction

On June 26, 1980, the Sacred Congregation for the Doctrine of the Faith issued a 3,000 word document, "Declaration On Euthanasia." The document itself presents a certain view of the human person, a view which is strongly grounded in a natural law theory. There is also a great stress on *reason* within this text, with an underlying motif that a good moral argument is always reasonable.

This paper will attempt to discern the reasonableness which supports the Declaration by specifically indicating the Thomistic concept of natural law which girds the document. After viewing these fundamental natural law elements as located specifically in St. Thomas's *Summa Theologica* I-II, q. 90-96 ("Treatise on Law"), we will draw out some of the pastoral conclusions which flow logically from the manner in which the question of euthanasia is posed.

## Declaration on Euthanasia

### 1. The Text Itself

The document begins by reminding us of the "lofty dignity of the human person" and this person's "right to life." This "reminder" finds continual repetition in the document; for example, every human person possesses inherent "fundamental rights" and these rights everyone "has the duty to care for . . ."

After establishing this fact as universally accepted ("will meet with the approval of many people of good will"), the document then

reminds us that Christ has given a new *meaning* to this “lofty dignity” of the human person: “Christ . . . has given a new meaning to existence . . . .” The Declaration adds here an interesting correlation: that for those who are non-Christian, “faith in God the creator” should supply this new perspective. In other words, every human person sustains a special dignity by the very fact of his or her humanity; and faith in Jesus or faith in God adds a deeper meaning to this human fact.

In light of this faith-assertion, the document then draws certain consequences: (a) it is a fundamental right that innocent life must always be safeguarded; (b) every person is obliged to live his or her life in accordance with God’s plan; and (c) since God is the author of all life (“God’s sovereignty”), no one save God can intentionally destroy human life (examples given in the text are “causing one’s own death” and “murder”). The text does distinguish here the concept of “suicide” and the “sacrifice of one’s life . . . for a higher cause.”

After stating these consequences of the lofty dignity of every human person, the document speaks of “mercy killing” in order to arrive at its definition of euthanasia: “an action or an omission which of itself or by intention causes death, in order that all suffering may in this way be eliminated. Euthanasia’s terms of reference . . . are to be found in the intention of the will and in the methods used.”

The Declaration then restates its fundamental assertion of the “dignity of the human person” and thus, in light of its definition of euthanasia, rules out in any way “the killing of an innocent human being.” No person may seek such an “act of killing” either for his or her own self or for another person; nor can one consent to such an act. Even should an “error of judgment” be made on this account, such ending of life would objectively constitute an “act of killing.”

The text goes on to speak of the positive place for suffering in human life (“no one denies the usefulness” and suffering “has a special place in God’s saving plan”). While making a strong assertion of this fact, the document likewise admits that an “heroic way of acting” can never be imposed on any individual and thus does “prudence” suggest “the use of medicines capable of alleviating or suppressing pain.” The document’s use of prudence in this regard is nuanced by a reference to Pope Pius XII’s caution, “It is not right to deprive the dying person of consciousness without a serious reason.”

Aside from a series of “applications” and “clarifications” which follow from the text, the document concludes by suggesting that it is perhaps better to approach this whole question from the view of “proportionate/disproportionate” means rather than the traditional “ordinary/extraordinary” means. The Declaration indicates in this regard the necessity of carefully discerning a sick person’s “physical and moral resources” and in view of this estimation come to some

“correct judgment” as to what might constitute proportionate/disproportionate means for this particular individual (“by studying the type of treatment to be used, its degree of complexity or risk, its cost and the possibilities of using it and comparing these elements with the result that can be expected”).

## 2. Interpretation of the Text

In light of the natural law thinking which underlies this document, the Declaration approaches the question of euthanasia from a middle position, i.e., it is not medical-moral optimism (e.g., every means must be used at whatever cost to sustain life) nor is it medical-moral pessimism (e.g., life should be ended when it becomes burdensome) or, as one writer comments, the document steers a middle course between “an idolatrous vitalism and an uncritical scientism — both of which try to deny death by refusing to let life end.” One is here reminded of Hilaire Belloc’s insightful quip:

Of old when men lay sick and sorely tried,  
The doctors gave them physic and they died:  
But here’s a happier age, for now we know  
Both how to make men sick and keep them so!

In other words, prudential judgment is highlighted in the text, suggesting that each person must be considered in his or her individuality.

The document has likewise shifted emphasis from a metaphysical to a more personalistic approach, from death as the separation of body and soul to the notion that death is a truly human and personal activity. The text thus teaches that we no longer need to fear death, either our own or someone else’s, because death is not an enemy but can be a welcome friend. In taking this approach, the document avoids simplistic one-rubric ethics. In other words, there is more involved in this whole question than the patient and ordinary/extraordinary means. The questions of social justice (where “too heavy a burden on . . . families and society” could be imposed) and charity (the necessity to provide the sick and the dying “with the comfort of boundless kindness and heartfelt charity”) must always be considered.

In other words, asocial ethics has no place in the medical care arena. One is here reminded of the comment of Merrick, the elephant man in Bernard Pomerance’s play, *The Elephant Man*, in which he indicates that Romeos are undependable because they do not care:

Does he take her pulse? Does he get a doctor? Does he make sure? No. He kills himself. The illusion fools him because he does not care for her. He only cares about himself. If I had been Romeo, we would have got away.

In employing the concepts of proportionate/disproportionate, the Declaration says something very important ethically: that one cannot indicate what is right or wrong morally in all possible circumstances.

The text admits that we do not have a divine knowledge of all possible options and their moral meaning. Such an approach would imply that something is *really* good or bad, regardless of the reality-constituting circumstances.

In other words, we always have a duty-to-care, but our responsibility to sustain human life is a relative one rather than an absolute one; that is, it depends on the circumstances in which treatment is offered and the total condition of the patient.

Finally, the document attempts to sort out a positive role for suffering/crucifixion in one's life. In this treatment I am reminded of Flannery O'Connor's statement:

I have never been anywhere but sick! In a sense sickness is a place more instructive than a long trip to Europe. Sickness before death is a very appropriate thing and I think those who die suddenly and those who don't have illness have missed one of God's miracles.

In other words, the document views suffering and death much more positively than in the past. It is a liberating experience by which a person enters a free and full conversation with God. There is an *implication* in this approach that dying is painful because sin has caused us disintegration: we want to minimize the agony of dying and thus, perhaps through a technological ethos, make death really anti-human.

The text, then, condemns the positive termination of the unwanted dying by advocating that we discover ways in which real care and concern for the dying can be expressed to the very end. In this way, the Declaration suggests, the suffering person is more favorably disposed for his or her conversation with God; and those who remain have been given the benefit of not merely witnessing this preparation, but supportively sharing the final steps in the life-journey of one's brother or sister.

### Natural Law in Saint Thomas

In our interpretation of the "Declaration On Euthanasia," we have stressed four elements:

1. Each person must be respected in his or her own individuality; this "lofty dignity" must always be revered.
2. There can be no asocial ethic: social justice and charity must always mark our human behavior in caring for the sick and the dying.
3. Circumstances and the total good of a person must always be considered; our duty-to-care is thus a relative one rather than an absolute one.
4. Sin causes human disintegration and thus is dying painful; we must, then, discover ways of real care to assist one who suffers to prepare for his or her conversation with God.

These elements are not simply humanistic rhetoric, but find a grounding in the natural law of St. Thomas. In his "Treatise on Law" (mentioned above), these texts are specifically helpful in our present discussion:

1. The last end of human life is bliss or happiness . . . . Consequently the law must needs regard principally the relationship to happiness (q. 90).
2. Every law is ordained to the common good (q. 90).
3. The light of natural reason . . . is nothing else than an imprint on us of the Divine light. It is . . . the rational creature's participation of the eternal law (q. 91).
4. The first principle in the practical reason is . . . that good is that which all things seek after. Hence this is the first precept of law, that good is to be done and ensued, and evil is to be avoided (q. 94).
5. In man there is first of all an inclination to good in accordance with the nature which he has in common with all substances: inasmuch as every substance seeks the preservation of its own being . . . ; and by reason of this inclination, whatever is a means of preserving human life, and of warding off its obstacles, belongs to the natural law (q. 94).
6. Some things are . . . derived from the general principles of the natural law, by way of conclusions; e.g., that one must not kill may be derived as a conclusion from the principle that one should do harm to no man (q. 95).

From these texts of Aquinas, certain elements are clear: that a thing is moral to the extent that it truly reflects both the natural law and the eternal law, for God is the ultimate ground of morality. Moreover, since each part exists for the good of the whole, every person should be inclined toward the common good. The first good to be done, a good common to all creatures, is self-preservation. Finally, we are all obliged to live our lives as coming from God and moving back to God (*exitus a Deo, reditus ad Deum*). Every moral decision, then, sustains a religious depth; in every moral decision we respond to God.

The "Declaration On Euthanasia" bases itself on this framework. Every person is to be respected in his/her individuality since God has imprinted Himself on all persons; this is a dignity that deserves our absolute respect. In addition, there can be no ego-centered morality for the Christian, as we must always consider carefully the common good. Every moral decision has its own specificity, however, as some conclusions must be *derived* from general principles. Our ultimate end is to be with God, our true happiness; we must thus work against those obstacles which prevent the preservation of human life.

### Pastoral Conclusions

The finality of death and its insoluble mysterious quality make it unique among human experiences. Although one cannot choose one's birth, one can choose to die. This choice, with all its medical, psychological, moral and spiritual ramifications, is at the heart of the "Dec-

laration On Euthanasia." In turn, the document itself rests on certain presuppositions about human life and its preservation, assumptions which find expression in the natural law tradition of St. Thomas. His vision assists us in understanding the document's focus on the questions of suffering and dying.

These questions are not merely academic but touch the daily lives of all people. The celebrated cases of Brother Joseph C. Fox and Karen A. Quinlan only highlight the life and death decisions which many persons and families face each day at home and in health care centers across the nation.

In light of these ultimate questions and the perspective and principles set down in the "Declaration On Euthanasia," the recent guidelines of Richard A. McCormick and Robert Veatch seem informed and reasonable:

1. Society and the Church place a great value on the family. It is the basic moral community. Familial self-determination is thus warranted. Family members are in the best position to assess the best interest of an incompetent family member who is facing death. The State should intervene only when the familial judgment exceeds the limits of reason.
2. Every patient must be accorded full dignity as a human person. Incompetent patients and formerly competent patients who have not expressed themselves clearly and adequately while competent must be afforded this same dignity. "We must affirm the moral obligations placed upon others that this implies. Someone must have the responsibility of determining what is in such a patient's best interest" (p. 394). Family members of family surrogates are in the best position to know a family member's style, preferences and values ("The Preservation of Life and Self-Determination," *Theological Studies*, 41 [1980], pp. 390-396).

The Declaration concludes with an interpretation of Matthew 25:40: "Such service to people is also service to Christ the Lord . . ." God has imprinted His image in all human persons, possessing them of great value and dignity. This uniqueness must always be respected, although the particular details must be discerned in every specific situation, as the good of the whole person is being honored. The Declaration is a statement of the affirmation owed to every human person.